

PATENT

Practitioner's Docket No.: 28698-708.302

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR  
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

The undersigned ASSIGNEE of the entire interest in:

☐ U.S. Patent No.☒ U.S. application no. 10/602,998; filed on June 23, 2003

hereby appoints all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, as associated with Customer No. 021971, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

☒ a copy of an Assignment attached hereto, which Assignment the Application has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

☐ the Assignment recorded on \_\_\_\_\_ at real \_\_\_\_\_ frames \_\_\_\_\_

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, this is in the identified ASSIGNEE.

**CHANGE OF CORRESPONDENCE ADDRESS**

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ASSIGNEE: METRIGEN, INC.

Name: Nathan Hamilton  
Print
  
Signature
Title: PresidentDate: 10-26-04

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MAY 21, 2003

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\*102343603A\*

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RECORDATION DATE: 01/09/2003

REEL/FRAME: 013663/0689  
NUMBER OF PAGES: 13

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
PROTOGENE LABORATORIES, INC.

DOC DATE: 12/20/2002

ASSIGNEE:  
METRIGEN, INC.  
1245 LINCOLN AVENUE  
PALO ALTO, CALIFORNIA 94301

SERIAL NUMBER: 09715426  
PATENT NUMBER:

FILING DATE: 11/16/2000  
ISSUE DATE:

SERIAL NUMBER: 09264388  
PATENT NUMBER:

FILING DATE: 03/08/1999  
ISSUE DATE:

SERIAL NUMBER: 09519927  
PATENT NUMBER:

FILING DATE: 03/07/2000  
ISSUE DATE:

SERIAL NUMBER: 09684736  
PATENT NUMBER:

FILING DATE: 10/06/2000  
ISSUE DATE:

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SERIAL NUMBER: 09686597  
PATENT NUMBER:

FILING DATE: 10/10/2000  
ISSUE DATE:

SERIAL NUMBER: 09645021  
PATENT NUMBER:

FILING DATE: 08/23/2000  
ISSUE DATE:

SERIAL NUMBER: 08068540  
PATENT NUMBER: 5474796

FILING DATE: 05/27/1993  
ISSUE DATE: 12/12/1995

SERIAL NUMBER: 08465761  
PATENT NUMBER: 5985551

FILING DATE: 06/06/1995  
ISSUE DATE: 11/16/1999

SERIAL NUMBER: 08792356  
PATENT NUMBER: 6001311

FILING DATE: 02/05/1997  
ISSUE DATE: 12/14/1999

SERIAL NUMBER: 08970115  
PATENT NUMBER: 6177558

FILING DATE: 11/13/1997  
ISSUE DATE: 01/23/2001

SERIAL NUMBER: 09314456  
PATENT NUMBER: 6210894

FILING DATE: 05/18/1999  
ISSUE DATE: 04/03/2001

SERIAL NUMBER: 09662066  
PATENT NUMBER: 6337393

FILING DATE: 09/14/2000  
ISSUE DATE: 01/08/2002

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



**ASSIGNMENT OF PATENT RIGHTS**

For good and valuable consideration, the receipt of which is hereby acknowledged, ProtoGene Laboratories, Inc., a Delaware corporation, with its principal address at P.O. Box 98, Belmont, California 94002-0098 ("Assignor"), does hereby sell, assign, transfer and convey unto Metragen, Inc., a Delaware corporation, having its principal address at 1245 Lincoln Avenue, Palo Alto, California 94301 ("Assignee") or its designees, all of Assignor's right, title and interest in and to the patent applications and patents listed below, any patents issuing on any patent applications listed below, the inventions disclosed in any of the foregoing, any and all counterpart United States, international and foreign patents, applications and certificates of invention based upon or covering any portion of the foregoing and all reissues, divisionals, renewals, extensions, provisionals, continuations and continuations-in-part of any of the foregoing (collectively "Patent Rights"):

**Assignor's Intellectual Property****I. UNITED STATES****A. Six Issued U.S. Patents**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface  
Inventor(s): Thomas M. Brennan  
Serial No: 08/068,540  
Filed: May 27, 1993  
Patent No: 5,474,796 ("1st Surface Tension Patent")  
Issued Date: December 12, 1995  
Howrey No: 05871.0002.US01  
Action Item: 2nd maintenance fee due June 12, 2003

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface  
Inventor(s): Thomas M. Brennan  
Serial No: 08/465,761  
Filed: June 6, 1995  
Patent No: 5,985,551 ("2nd Surface Tension Patent")  
Issued Date: November 16, 1999  
Howrey No: 05871.0002.US02  
Action Item: 1st maintenance fee due May 16, 2003

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Title: Apparatus for Diverse Chemical Synthesis Using Two-Dimension Array  
Inventor(s): Thomas M. Brennan  
Serial No: 08/792,356  
Filed: February 5, 1997  
Patent No: 6,001,311 ("Mechanical Patent")  
Issued Date: December 14, 1999  
Howrey No: 05871.0005.US00 (Prosecution handled by Flehr, now merged into Dorsey & Whitney))  
Action Item: 1st maintenance fee due June 14, 2003

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Serial No: 08/970,115  
Filed: November 13, 1997  
Patent No: 6,177,558 ("1st Solvent System Patent")  
Issued Date: January 23, 2001  
Howrey No: 05871.0004.US00  
Action Item: 1st maintenance fee due July 23, 2004

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface  
Inventor(s): Thomas M. Brennan  
Serial No: 09/314,456  
Filed: May 18, 1999  
Patent No: 6,210,894 ("3rd Surface Tension Patent")  
Issued Date: April 3, 2001  
Howrey No: 05871.0002.US03  
Action Item: 1st maintenance fee due October 3, 2004

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Serial No: 09/662,066  
Filed: September 14, 2000  
Patent No: 6,337,393 ("2nd Solvent System Patent")  
Issued Date: January 8, 2002  
Howrey No: 05871.0004.CNUS02  
Action Item: 1st maintenance fee due July 8, 2005

**B. Six Pending U.S. Applications**

**Title:** Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface ("Surface Tension Application")  
**Inventor(s):** Thomas M. Brennan  
**Serial No:** 09/715,426  
**Filed:** November 16, 2000  
**Howrey No:** 05871.0002.CNUS05  
**Action Item:** Filed Response to Restriction Requirement in June 2002. No action due until at least December 2002.

**Title:** Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences ("1st Gene Assembly Application")  
**Inventor(s):** Thomas M. Brennan and Herbert L. Heynecker  
**Serial No:** 09/264,388  
**Filed:** March 8, 1999  
**Howrey No:** 05871.0003.US00  
**Action Item:** Filed Notice of Appeal in April 2002. Action due November 2002.

**Title:** Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences ("2nd Gene Assembly Application")  
**Inventor(s):** Thomas M. Brennan and Herbert L. Heynecker  
**Serial No:** 09/519,927  
**Filed:** March 7, 2000  
**Howrey No:** 05871.0003.US01  
**Action Item:** Filed Response to Office Action in January 2002. No action due until at least December 2002.

**Title:** Method and Apparatus for Performing Large numbers of Reactions Using Array Assembly ("1st Array PCR application")  
**Inventor(s):** Thomas M. Brennan et al.  
**Serial No:** 09/684,736  
**Filed:** October 6, 2000  
**Howrey No:** 05871.0010.US01  
**Action Item:** Response to Office Action due August 2002 with extensions to November 2002.

Title: Method and Apparatus for Performing Large numbers of Reactions Using Array Assembly ("2nd Array PCR application")  
Inventor(s): Thomas M. Brennan et al.  
Serial No: 09/686,597  
Filed: October 10, 2000  
Howrey No: 05871.0010.CPUS02  
Action Item: Filed Response to Office Action in June 2002. No action due until at least December 2002.

Title: Method and Apparatus for In Situ Synthesis on a Solid Support ("Long Oligo Synthesis Application")  
Inventor(s): John Butler and Thomas M. Brennan  
Serial No: 09/645,021  
Filed: August 23, 2000  
Howrey No: 05871.0002.CPUS04  
Action Item: Response to Office Action due October 2002 with extensions to January 2003.

## II. INTERNATIONAL PATENTS AND APPLICATIONS

### A. Issued International Patents (All Surface Tension Patents)

#### EUROPE

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support  
Inventor(s): Thomas M. Brennan  
Serial No: 94919240.5  
Filed: May 25, 1994  
Patent No: 0703825  
Issued: July 30, 1997  
Howrey No: 05871.0002.EP01  
Action Item: None

#### GERMANY

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support  
Inventor(s): Thomas M. Brennan  
Serial No: 94919240.5  
Filed: May 25, 1994  
Patent No: 69404657  
Issued: July 30, 1997  
Howrey No: 05871.0002.DE01  
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.



**FRANCE**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support  
Inventor(s): Thomas M. Brennan  
Serial No: 94919240.5  
Filed: May 25, 1994  
Patent No: 0703825  
Issued: July 30, 1997  
Howrey No: 05871.0002.FR01  
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

**GREAT BRITAIN**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support  
Inventor(s): Thomas M. Brennan  
Serial No: 94919240.5  
Filed: May 25, 1994  
Patent No: 0703825  
Issued: July 30, 1997  
Howrey No: 05871.0002.GB01  
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

**ITALY**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support  
Inventor(s): Thomas M. Brennan  
Serial No: 94919240.5  
Filed: May 25, 1994  
Patent No: 0703825  
Issued: July 30, 1997  
Howrey No: 05871.0002.IT01  
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

**CANADA**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support  
Inventor(s): Thomas M. Brennan  
Patent No: 2163781  
Filed: May 25, 1994  
Issued: October 17, 2000  
Howrey No: 05871.0002.CA01  
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

**B. Pending International Applications****Surface Tension Series**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface  
Inventor(s): Thomas M. Brennan  
Country: Japan  
Serial No: 500936/95  
Filed: May 25, 1994  
Howrey No: 05871.0002.JP01  
Action Item: Requested examination in May 2001. No action is due in 2002.

**Long Oligo Synthesis Series**

Title: Method and Apparatus for In Situ Synthesis on a Solid Support  
Inventor(s): John Butler and Thomas M. Brennan  
Country: PCT  
Serial No: PCT/US01/26041  
Filed: August 17, 2001  
Howrey No: 05871.0002.00PC04  
Action Item: Chapter II Demand filed in March 2002. National phase is due February 2003.

**Gene Assembly Series**

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences  
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker  
Country: Europe  
Serial No: 00914914.7  
Filed: March 7, 2000  
Howrey No: 05871.0003.PCEP00  
Action Item: No action is due in 2002.

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences  
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker  
Country: Japan  
Serial No: 2000-604052  
Filed: March 7, 2000  
Howrey No: 05871.0003.PCJP00  
Action Item: No action is due in 2002.

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences  
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker  
Country: Taiwan  
Serial No: 89104062  
Filed: March 7, 2000  
Howrey No: 05871.0003.TW00  
Action Item: No action is due in 2002.

Solvent System Series

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Europe  
Serial No: 1042337  
Filed: April 28, 2000  
Howrey No: 05871.0004.EP00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Australia  
Serial No: 13877/99  
Filed: November 10, 1998  
Howrey No: 05871.0004.AU00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Canada  
Serial No: 2.309.927  
Filed: November 10, 1998  
Howrey No: 05871.0004.CA00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Japan  
Serial No: 2000-521104  
Filed: November 10, 1998  
Howrey No: 05871.0004.JP00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Mexico  
Serial No: 0004596  
Filed: November 10, 1998  
Howrey No: 05871.0004.MX00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Norway  
Serial No: 13877/99  
Filed: November 10, 1998  
Howrey No: 05871.0004.NO00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Yugoslavia  
Serial No: p-290/00  
Filed: November 10, 1998  
Howrey No: 05871.0004.YU00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: Poland  
Serial No: P-340828  
Filed: November 10, 1998  
Howrey No: 05871.0004.PL00  
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf  
Country: China  
Serial No: 98812350.9  
Filed: June 19, 2000  
Howrey No: 05871.0004.CN00

**Title:** Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation  
**Action Item:** No action is due in 2002.  
**Inventor(s):** Thomas M. Brennan and Albrecht W. Frauendorf  
**Country:** Korea  
**Serial No:** 7005197/2000  
**Filed:** November 10, 1998  
**Howrey No:** 05871.0004.KR00  
**Action Item:** No action is due in 2002.

**Inventor(s):** Thomas M. Brennan and Albrecht W. Frauendorf  
**Country:** Israel  
**Serial No:**  
**Filed:** November 10, 1998  
**Howrey No:** 05871.0004.IL00  
**Action Item:** No action is due in 2002.

**Inventor(s):** Thomas M. Brennan and Albrecht W. Frauendorf  
**Country:** New Zealand  
**Serial No:** 505083  
**Filed:** November 10, 1998  
**Howrey No:** 05871.0004.NZ00  
**Action Item:** No action is due in 2002.

**Tm Optimization Series**

**Title:** Methods for Optimizing Hybridization Performance of Polynucleotide Probes and Localizing and Detecting Sequence Variation  
**Inventor(s):** Maureen Cronin, Thomas M. Brennan, and Felix W. Frueh  
**Country:** PCT  
**Serial No:** PCT/US01/07775  
**Filed:** March 9, 2001  
**Howrey No:** 05871.0006.PC00  
**Action Item:** National Phase filings are due September 9, 2002: Australia (about \$2.5K); Canada (about \$1.5K); Europe (about \$8K); Japan (about \$10K including about \$7K translation fee)

Array PCR Series

Title: Method and Apparatus for Performing Large Numbers of Reactions  
Using Array Assembly  
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger  
Country: Europe  
Serial No: 1235932  
Filed: October 6, 2000  
Howrey No: 05871.0010.PCEP00  
Action Item: No action is due in 2002.

Title: Method and Apparatus for Performing Large Numbers of Reactions  
Using Array Assembly  
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger  
Country: Canada  
Serial No:  
Filed: October 6, 2000  
Howrey No: 05871.0010.PCCA00  
Action Item: No action is due in 2002.

Title: Method and Apparatus for Performing Large Numbers of Reactions  
Using Array Assembly  
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger  
Country: Australia  
Serial No: 10757/01  
Filed: October 6, 2000  
Howrey No: 05871.0010.PCAU00  
Action Item: No action is due in 2002.

Title: Method and Apparatus for Performing Large Numbers of Reactions  
Using Array Assembly  
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger  
Country: Taiwan  
Serial No: 89121059  
Filed: October 9, 2000  
Howrey No: 05871.0010.TW00  
Action Item: No action is due in 2002.

Assignor represents, warrants and covenants that: (i) it is the sole owner, assignee and holder of record title to the Patent Rights identified above, and (ii) it has full power and authority to make the present assignment.

Assignor further agrees to and hereby does sell, assign, transfer and convey unto Assignee all rights: (i) in and to causes of action and enforcement rights for the Patent Rights including all rights to pursue damages, injunctive relief and other remedies for past and future infringement of the Patent Rights, and (ii) to apply in any or all countries of the world for patents, certificates of invention or other governmental grants for the Patent Rights, including without limitation under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperation Treaty, or any other convention, treaty, agreement or understanding. Assignor also hereby authorizes the respective patent office or governmental agency in each jurisdiction to issue any and all patents or certificates of invention which may be granted upon any of the Patent Rights in the name of Assignee, as the assignee to the entire interest therein.

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The terms and conditions of this Assignment shall inure to the benefit of Assignee, its successors, assigns and other legal representatives, and shall be binding upon Assignor, its successor, assigns and other legal representatives.

\* \* \*

IN WITNESS WHEREOF this Assignment of Patent Rights is executed at Palo Alto, CA  
on December 20, 2002.

ASSIGNOR

PROTOGENE LABORATORIES, INC.

By: [Signature]Name: DAVID L. FANNTitle: Chairman

(Notarization Required)

[Signature]  
Name

State of California )County of San Clara )

On December 20, 2002, before me, Susan Parsons,  
personally appeared David Fann.  
☐ personally known to me or ☒ proved to me  
on the basis of satisfactory evidence, to be the  
person whose name is subscribed to the within  
instrument and acknowledged to me that he/she  
executed the same in his/her authorized capacity,  
and that by his/her signature on the instrument  
the person or the entity upon behalf of which the  
person acted, executed the instrument.

WITNESS my hand and official seal

[Signature]  
(Notary Public)



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